

Education and Local Government Interim Committee

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57th Montana Legislature

SENATE MEMBERS
EDWARD B. "ED" BUTCHER
ALVIN A. ELLIS JR.
WM. E. "BILL" GLASER
LINDA J. NELSON
DON RYAN
DEBBIE SHEA

HOUSE MEMBERS JOAN ANDERSEN GARY BRANAE TOM FACEY JEFF MANGAN GAY ANN MASOLO ART PETERSON COMMITTEE STAFF
CONNIE ERICKSON
RESEARCH ANALYST
EDDYE McCLURE
STAFF ATTORNEY
PAM JOEHLER
FISCAL ANALYST

January 10, 2002

MINUTES

Room 137, State Capitol Helena, Montana

Postsecondary Education Policy & Budget Subcommittee

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of documents.

COMMITTEE MEMBERS PRESENT

Sen. Butcher

Sen. Johnson

Sen. Ryan

Sen. Stonington

Rep. Branae

Rep. Peterson

Mr. Semmens

COMMITTEE MEMBERS ABSENT

Mr. Snezek Mr. Jasmin

STAFF PRESENT

Pam Joehler, Fiscal Analyst Eddye McClure, Attorney Miko Owa, Secretary

VISITORS & AGENDA

Agenda (ATTACHMENT #1)
Visitors' List (ATTACHMENT #2)

COMMITTEE ACTION

Adopted the minutes from the December 20, 2001 meeting

- Elected Sen, Johnson as Chairman of the Subcommittee
- Elected Rep. Peterson as Vice-Chairman of the Subcommittee
- Adopted the Strategic Plan of the Montana University System as a starting point for staff to create a general university prologue

CALL TO ORDER, ROLL CALL, ADOPTION OF MINUTES

The meeting was called to order at 1:03 p.m. by Rep. Peterson. Roll call was taken (ATTACHMENT #3) with all members present except for Mr. Snezek and Mr. Jasmin who were excused. The Committee adopted the minutes of the December 20, 2001 meeting unanimously (EXHIBIT #1).

ELECTION OF OFFICERS

Rep. Peterson asked the Committee to elect the Chairman and Vice-Chairman of the Committee. Sen. Butcher nominated Sen. Johnson for the position of Chairman. The nomination passed unanimously. Sen. Stonington nominated Rep. Peterson for Vice-Chairman of the Committee. The nomination passed unanimously.

DEFINITION OF HIGHER EDUCATION

Richard Crofts, Commissioner of Higher Education, provided a definition of higher education for the Subcommittee. He said that when the regents have more general discussions about higher education, they include all post secondary institutions including proprietary institutions. He said that he does not anticipate any change in the structure of the University System. He continued to state that 18 months ago the regents brought in a consultant who made recommendations and assessed where progress had been made in the University System restructuring and where improvements are needed. With respect to the authority that the regents have over community colleges, the regents must approve the budgets, tuition, fees, and programs. Beyond that the community colleges have their own independent local boards. With regard to budgets, the regents have not gotten very involved with budget decisions within the community colleges. The community colleges go through the regular process of academic program approval. The seven tribal colleges are totally independent of the regents. They are regarded as public institutions because the bulk of their funding comes from federal funding. There has been on again off again efforts to provide state support. Private or independent colleges are also independent and not funded by the state. There are constitutional barriers for money to be provided by the state. In Montana there is no control at all over private colleges where in other states this is not the case. With regard to all of these institutions, they do try to integrate efforts. The fourth category of institution is the proprietary institution that offers academic programs for regular credit for a profit. Mr. Crofts said that there is no doubt that we are expected to work as collaboratively as possible with these other institutions.

Rep. Peterson asked Mr. Crofts about the structure for cooperation and what the specifics for the program were. Mr. Crofts responded that it happens in a variety of ways with the Board of Public Education and their Certification Standards and Practices Advisory Council. He continued to state that there is also a great deal of professional development through in-service training. Rep. Peterson asked if there is encouragement for tribal college faculty to work with high school teachers. Mr. Crofts responded that they do not have a lot of control over what

community colleges, tribal colleges, and K-12 teachers do. He said that they do administer a grant program for professional development that is open to all post-secondary faculty. A requirement of the program is that there be a partnership between the post-secondary faculty and the K-12 teachers. He continued to state that they do a lot of work with teacher education in the tribal colleges.

Mr. Semmens added that other specific examples of coordination would be the Great Falls brochure which provides a listing of all educational opportunities in the state. He continued to provide other examples of coordination to the Subcommittee.

Sen. Stonington asked Mr. Crofts about accountability measures and to what extent collaboration is reflected in their goals. Mr. Crofts said it will be challenging to impose accountability measures on institutions that are not publicly supported. Therefore, he believes the focus needs to be on the public institutions and the measures and attitudes of cooperation and collaboration. He said they are not at the point to measure that attitude.

Sen. Butcher asked Mr. Crofts if the University System is accepting transfers of credits between the university, tribal colleges, and community colleges. Mr. Crofts said that there are no differentiations between transfer credits. He said the point of filter is whether the institution is regionally accredited. Sen. Butcher asked if the credits did not transfer, would they fill the general elective category. Mr. Crofts stated that that is probably correct.

Sen. Johnson asked where the authority comes from that allows the higher education system authority over community colleges. Mr. Crofts responded that it is in statute. Sen. Johnson asked if that was an agreement between the governing body of the community colleges and the regents and the legislature. Mr. Crofts said that the authority for approving budgets and fees is in statute. Sen. Johnson asked if there any other things in statute. Mr. Crofts said academic programs. Sen. Johnson asked if there is anyway to put in accreditation standards. Mr. Crofts said the statute states that the Board of Regents is responsible for the decision making process. Sen. Johnson asked whether any school in the state can act as an accredited school. Mr. Crofts said what has been delegated to the Board of Regents is the identification of the appropriate accreditation bodies. Sen. Johnson asked about accredited institutions going bankrupt. Mr. Crofts said that the institutions that failed are not regionally accredited. Sen. Johnson asked how a student can avoid such institutions. Mr. Crofts said that the state needs to be more involved in the regulation of the institutions. Sen. Johnson asked Mr. Crofts to suggest how that could be done. Mr. Crofts said this is a consumer issue and we need to have the ability to educate Montana citizens prior to enrollment. Sen. Johnson asked where the responsibility lies in setting up this type of program. Mr. Crofts stated that there are a variety of agencies who could do that, including theirs, though there may be some thoughts of bias on their part. Sen. Johnson asked Mr. Crofts if he was looking for the focus of the Subcommittee to be towards public education. Mr. Crofts said yes.

Rep. Peterson asked Mr. Crofts about the legislative responsibility toward non-public institutions and the responsibility of moral suasion. Mr. Crofts stated that the pressing public policy matter is defining the expectations. He said that a significant problem with the University System has not been identified.

SUBCOMMITTEE DECISION ON SCOPE OF INTERIM PROJECT

Sen. Johnson said that we expect the higher education system in Montana to provide a service at the least amount of cost with the expectation that they will be as collaborative as possible. He asked the Subcommittee if they could make a broad enough statement that would include everyone but contain everything that the university wants to do. He continued to stated that the legislature only has the power to tell the University System how much money we can participate with each biennium.

Sen. Butcher, commented that there is an interesting overlap with community colleges and vocational schools. He would like to see increased vocational schools as well as an increased delivery of services.

Mr. Semmens commented that it is probably fine defining state wide policy goals but he wonders how, without legal or financial authority, tribal institutions and tribal colleges can be imposed upon.

Sen. Ryan concurred with Mr. Semmens. He said the Subcommittee should focus on the relationship with the Board and the Legislature and accountability standards.

Rep. Peterson disagreed. He said that with respect to the policy statement, we cannot be narrow in our understanding of constitutionalism. In terms of our specifics, we have authority, prerogatives, and obligations. The obligations have to do with making our policy statement capture what we want in terms of the higher education program and then we can speak specifically about public education. I would hope that in our policy statements that we do not narrow our focus, but capture what is really meant. So my plea would be to look at the totality of higher education and what policies we would want to advocate even in a broad sense and when we get to accountability issues we have less control.

Rep. Branae commented that it is a dilemma and we have to consider the resources. He said he liked the idea of a broad general statement, but I would be interested in concentrating on the entities that the state has control over.

Sen. Stonington commented that the Subcommittee needs to remember who we are doing this for. She said it is a wonderful concept to think of higher education as a totality, but we need to stick to what we can impact and that is the money.

Sen. Johnson commented that the Subcommittee needs to move toward measures of accountability.

Sen. Butcher presented to the Subcommittee a document that would provide a breakout by campus of dollars spent on each program (EXHIBIT #2). He said that he would like to see a more simplistic format for tracking funds and students.

Mr. Semmens stated that he is unsure that the current accounting system has the ability to provide the break-out Sen. Butcher is looking for. He said they can certainly and should provide whatever we can in terms of sources for dollars and where they are going to in terms of campus units.

Sen. Butcher said he is concerned with the lack of knowledge over the breakout of funds. He said that he could not believe that the university units could not provide this information.

Rod Sundstead, Associate Director, Fiscal Affairs, commented that he felt the information Sen. Butcher is looking for could be provided. He said his bigger concern is what we are trying to do with this information. In his view we need to step back and determine what we measure to meet our needs.

Sen. Ryan commented that the role of this Subcommittee is to develop a working relationship with the Board and the University System. He said that the Board needs to be held accountable and the public needs to feel their needs are being met.

Eddye McClure, Attorney, Legislative Services Division, said that the Subcommittee can condition money, but they cannot do indirectly through their appropriation power what they cannot do directly.

Sen. Johnson said that the lump sum funding allows for the university to use the money allocated as best they can.

Sen. Butcher concurs with what everyone has said, but he said the break out of funds allows a person to see where the money is going as well as the ability to answer critics.

Sen. Stonington said that the issue is what questions do we need to be asking to establish the trust level between the Board, legislature, and constituents.

Mr. Semmens responded that once we agree on statewide policy goals, then we can determine the accountability standards.

Rep. Peterson said we need to determine what accountability model we should use, but before doing that we need to get the broader picture.

Sen. Johnson said that we need to determine if we are going to define higher education in another way. Sen. Johnson asked Ms. Joehler what the Subcommittee was formed to do.

Pam Joehler, Fiscal Analyst, Legislative Fiscal Division, said the reason the issue was on the agenda was because there were different opinions on what the University System is.

Rep. Peterson said the question has to be divided between the policy dimension and the accountability dimension.

Mr. Semmens said his concern about making a broad statement is that the policies that may be relevant to the University System, may not be relevant to private and proprietary colleges.

Sen. Ryan said that before we decide if other colleges should be included, we should ask them if they want to be included.

Sen. Butcher moved to adopt the Montana University System Mission Statement (EXHIBIT #3) as the mission statement for higher education in Montana.

Rep. Branae, said that it is arrogant on our part to believe they would want to be part of our mission statement.

Ms. McClure said that State recognizes that there are other entities out there that are higher education, but that are not part of the University System and that the Subcommittee can acknowledge both somehow.

After much discussion, Sen. Butcher amended his motion to state that Exhibit #3 will be utilized as a starting point, with a statement added for higher education in general. The motion passed unanimously.

Sen. Ryan said that the Strategic Plan should be disseminated to all higher learning institutions so that they can see where we are headed.

Sen. Butcher added that they should also be invited to the meetings for public comment.

Ms. McClure said that she will draft a prologue that will acknowledging the contributions of other institutions and what we are encouraging the University System to work on.

Ms. Joehler said the next step would be for the Subcommittee to determine what is important for the University System. She said that the Board is already looking at accountability measurements and that the Subcommittee may want to review those measurements.

Sen. Johnson asked Mr. Semmens if the Board discussed additional fund needs when determining goals. Mr. Semmens responded that they did not specifically discuss funds but that funds would be needed to achieve these goals.

Rep. Peterson provided an article to the Subcommittee titled Accountability in Higher Education: Are There "Fatal Errors" Embedded in Current U.S. Policies Affecting Higher Education? (EXHIBIT #4). In addition, he provided facts about accountability (EXHIBIT #5).

Ms. Joehler reviewed a 2002 Calendar (EXHIBIT #6) and asked the Subcommittee to determine their next meeting dates. After much discussion, March 13 and May 17, 2002 were chosen. Ms. Joehler then reviewed the remaining information in the packet such as the membership roster (EXHIBIT #7), Travel Claims Guidelines (EXHIBIT #8), Interested Persons List Additions (EXHIBIT #9), and Subcommittee Rules (EXHIBIT #10).

ADJOURNMENT

The meeting adjourned at 4:15 with the next meeting scheduled for March 13, 2002.

Cl0425 2049jjxa.



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